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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/547,700

05/22/2006

Cornelis Bleijendaal

5715

9168

26936

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11/02/2006

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/547,700	Applicant(s) BLEIJENDAAL, CORNELIS	
	Examiner Christopher Boswell	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/2/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, shape of the lower end of the locking pin being cylinder-shaped, rectangular and hexagonal must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 686,940 to Huscher.

Huscher discloses a bicycle lock for blocking a rotation of a crankshaft (2) of a bicycle, the bicycle lock being provided at the bottom in a saddle tube (1) of the bicycle close to the crankshaft, the bicycle lock comprising a lock housing accommodating a locking pin (B) and a locking mechanism (E), the locking mechanism being adapted to be operated by a key to be inserted through a hole (e') in the saddle tube, the locking mechanism being adapted to fix the locking pin in two positions (figure 2), wherein the locking pin in an upper position thereof releases the crankshaft and in a lower position thereof blocks the crankshaft (figure 2), an end of the locking pin (b) in the lower position thereof engaging a matching notch (3) in the crankshaft, the bicycle lock being provided with coupling means (x) which are adapted to interact with counter-coupling means being part of the saddle tube in order to have a detachable coupling between the lock housing and the saddle tube, the lock housing being coupled to the saddle tube by a rotating coupling (page 2, lines 56-61), the locking pin in the lower position thereof blocking the rotation of the coupling between the lock housing and the saddle tube (figure 2), as in claim 1.

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Huscher also discloses the lock housing is fitted in the saddle tube by means of a threaded, a bayonet, or a V-groove connection (page 2, lines 56-61), as in claims 2-4, and the locking pin has an eccentric position in the lock housing (figure 4), as in claim 5, as well as the lower end of the locking pin is cylinder-shaped (page 1, lines 84-85) and catches in a cylinder-shaped notch (3) in the crankshaft, as in claim 6, and where the lower end of the locking pin is unrotatably catchable in a tangentially matching notch of the crankshaft (figure 2), as in claim 7.

Huscher further discloses the section of the lower end of the locking pin is rectangular (the cross sectional end of the locking pin is square in shape, figure 2), as in claims 9 and 10, wherein the locking pin comprises two parts (B and b) which are coupled to each other through a spring element (b4), as in claim 12, and the lock mechanism is a cross or a cylinder lock (E), as in claims 13 and 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huscher, as applied above.

Huscher discloses the claimed invention except for the shape of the locking pin being trapezium or hexagonal shaped. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a trapezium or hexagonal shape in the locking

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pin, a change in the shape of a prior art device is a design consideration within the skill of the art. In re Daily, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Wherein the change of the shape of the locking pin is capable of achieving a more secure connection between the locking pin and the crankshaft, enabling a less vulnerable engagement.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huscher, as applied above, in view of U.S. Patent Number 4,284,290 to Ragsdale.

Huscher discloses the invention substantially as claimed. However, Huscher does not disclose the bicycle lock including a catch system for fitting a cable bicycle lock. Ragsdale teaches of a bicycle lock having a catch system (43) for fitting an end of a cable bicycle lock (39 via 42) in the same field of endeavor for the purpose of locking the bicycle to a stationary object, preventing unauthorized removal of the bicycle. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a catch system, as taught by Ragsdale onto the bicycle frame of Huscher, where a cable bicycle lock could be attached in order to lock the bicycle to a stationary object, preventing unauthorized removal of the bicycle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to bicycle crankshaft locking devices:

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U.S. Patent Number 4,841,757 to Guthrie, U.S. Patent Number 2,055,149 to Hersh bain, U.S. Patent Number 1,140,751 to Leksuczin, U.S. Patent Number 947,073 to Conta, U.S. Patent Number 704,655 to Morgan.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher Boswell
Examiner
Art Unit 3676

CJB CB
October 30, 2006